

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

STEVEN M. DENENBERG,)	
)	
Plaintiff and)	8:07CV150
Cross Plaintiff,)	
)	
vs.)	ORDER
)	
BORKO B. DJORDJEVIC,)	
)	
Defendant and)	
Third-Party Plaintiff,)	
)	
vs.)	
)	
JOHN OSAKA,)	
)	
Third-Party Defendant,)	
)	
and)	
)	
DOCTORS SURGERY CENTER,)	
d/b/a Surgeontothestars.com)	
)	
Third-Party Defendant and)	
Cross Defendant.)	

This matter is before the court *sua sponte*.

On January 21, 2010, the court resolved two of the third-party defendants' motions to dismiss. **See** [Filing No. 88](#). Further, the court notes there is no evidence in the record that the third-party plaintiff, Borko B. Djordjevic, has served the third-party defendant John Osaka. The court ordered Mr. Djordjevic to serve all third-party defendants by July 24, 2009. **See** [Filing No. 63](#); **see also** [Fed. R. Civ. P. 4\(m\)](#) (establishing a 120-day time limit for service of process on a defendant in a civil case, absent a showing of good cause). Moreover, although this case has been on file since April 20, 2007, the parties have made no meaningful progress toward trial. Accordingly,

IT IS ORDERED:

1. Borko B. Djordjevic shall have to **on or before February 12, 2010**, to file proof of service on John Osaka or show cause why John Osaka should not be dismissed for failure to prosecute.

2. The parties shall meet, confer and file a joint planning report in accordance with the requirement of [Fed. R. Civ. P. 26\(f\)](#) **no later than February 12, 2010**. The court may impose sanctions on any party who fails to comply with this order pursuant to [Fed. R. Civ. P. 16\(f\)](#).

DATED this 27th day of January, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

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